

<b>Office Action Summary</b>	<b>Application No.</b> 10/590,390	<b>Applicant(s)</b> LEHRIEDER ET AL.	
	<b>Examiner</b> Jonathan D. Snelting	<b>Art Unit</b> 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 89-167 is/are pending in the application.
- 4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 89,91-93,95,97-101,107,109,110,118-123,126,129-135 and 141-156 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. <u>20090715</u> .                           |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application  |
| Paper No(s)/Mail Date <u>8/23/2006</u> .   | 6) <input type="checkbox"/> Other: _____.                          |

Continuation of Disposition of Claims: Claims withdrawn from consideration are 90,94,96,102-106,108,111-117,124,125,127,128,136-140 and 157-167.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 8/23/2006 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the non patent literature document listed on the last page of the IDS is not in English. It has been placed in the application file, but the information on the non patent literature document has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

### ***Drawings***

2. The drawings are objected to because reference character 18 in fig. 8 does not have a lead line.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 04a.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

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number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

4. The disclosure is objected to because of the following informalities: paragraph 041, line 4 recites “runspendicular.” Correction is suggested to “runs perpendicular.”

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 107 and 141-146 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
7. Claim 107 is indefinite because it is dependent on itself.
8. Claim 141 is indefinite because it is dependent on cancelled claim 85.

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9. Claim 142 recites "at least two of said storage areas located adjacent each other in said storage area," which is indefinite because it is not clear how two said storage areas can be located in one said storage area.

10. Claims 143-146 are indefinite because they are dependent on indefinite claims as stated above.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 89, 91, 93, 95, 97-101, 107, 109, 110, 118-121, 123, 126, 129-135, 141-146, and 148-156 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lehrieder et al. (Patent No. 6,138,938), hereafter referred to as Lehrieder '938, in view of Schaede (Pub. No. 2003/0164102).

13. Consider claims 89, 93, 107, 118-120, and 154-156. Lehrieder '938 teaches a device for transporting reels of material comprising a storage area (39) with a plurality of storage spaces (proximate 31, 32, 33, etc.); a primary transport carriage (16) adapted to support a reel of material (24); a web-processing machine (rotary printing press, see column 2, lines 18-19) with a reel changer (2); and a transport route (transport direction of third transport car 41, see column 3, lines 52-53 and fig. 1) for the primary transport carriage (41) extending from the storage area to the reel changer and along which the

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primary transport carriage can move. The storage spaces (proximate 31, 32, 33, etc.) are before the web-processing machine (rotary printing press).

Lehrieder '938 generally teaches a web-processing machine (rotary printing press) with a reel changer (2), but does not explicitly teach the specific structure of a web-processing station and a direction of web travel. Schaede teaches a web-processing machine/rotary printing press with a single reel changer (01) and a plurality of web-processing stations/printing couples (06, 07, 08, 09) and a direction of web travel (T, see fig. 1) which is a horizontal web path through the web-processing machine. The direction of web travel of Lehrieder '938 in view of Schaede would be parallel to the transport route and the plurality of storage spaces of Lehrieder '938; and the printing couples and reel changer of Lehrieder '938 in view of Schaede would be in a common plane with the storage area of Lehrieder '938. It would have been obvious to a person having ordinary skill in the art to modify the web-processing machine of Lehrieder '938 with Schaede's reel changer and web-processing stations in order to provide for subsequent processing of the web material.

14. Consider claim 91. Lehrieder '938 teaches a secondary transport carriage (41) supporting two primary transport carriages (16, see column 3, lines 46-56 and fig. 2) and traveling along the transport route to the reel changer (see fig. 1). Lehrieder '938 teaches that two adjacent storage spaces (proximate 31 and 32) are adapted to receive the secondary storage carriage (41) and two reels of material (24).

15. Consider claims 95, 101, and 129-134. Lehrieder '938 teaches that the reels of material (24) are stored in the storage spaces (proximate 31, 32, 33, etc.) on ones of

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the primary transport carriages (16, see column 3, lines 28-34), that one of the primary transport carriages is positionable in each of the plurality of storage spaces (see fig. 1), and that all of the plurality of storage spaces (proximate 31, 32, 33, etc.) can accommodate at least two of the primary transport carriages (16).

16. Consider claims 97-100. Lehrieder '938 teaches a reel preparation station (26) adapted for application of splice elements to the reels of material (24). Lehrieder '938 teaches that the storage spaces (proximate 31, 32, 33, etc.) in the storage area (39) are located intermediate the reel preparation station (26) and the web-processing machine (rotary printing press, see fig. 1), that at least two unpacked and prepared reels of material are held in the storage spaces (see fig. 1), and that all reels are prepared with splicing (see column 3, lines 4-9).

17. Consider claim 109. Lehrieder '938 teaches branch lines (31, 32) extending perpendicularly from the transport route to the plurality of storage spaces.

18. Consider claim 110. Lehrieder '938 teaches the plurality of storage spaces on one side of the transport route (see fig. 1).

19. Consider claim 121. Lehrieder '938 teaches that a storage area (31) is a first in first out storage area (reels 24 are loaded on one side of a linear rail 31 and are unloaded on the opposite side, see fig. 1).

20. Consider claim 123. Lehrieder '938 teaches wheels (18) on the primary transport carriage (16) and rails (proximate 41) defining the transport route and adapted to receive the wheels.

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21. Consider claim 126. Lehrieder '938 teaches a primary transport carriage chain drive (see column 2, lines 53-56).

22. Consider claim 135. Lehrieder '938 teaches a primary transport carriage (16) adapted to accommodate a partial reel of material (roll remainder 44, see fig. 2).

23. Consider claims 141, 143, and 145. Lehrieder '938 teaches a spacing between all of the storage spaces (proximate 31, 32, 33, 34, etc.) is greater than a reel diameter (24, see fig. 1).

24. Consider claims 142, 144, and 146. Lehrieder '938 teaches at least two storage areas (39 proximate 31, 32, 33, 34; and 39 proximate 36, 37, 38; see fig. 1) located adjacent each other and all of the storage areas are sized to store two reels of material (24).

25. Consider claims 148-150. Lehrieder '938 teaches all of the storage spaces (proximate 31, 32, 33, 34, etc.) are adapted to store new reels of material (24, see fig. 1).

26. Consider claims 151-153. Lehrieder '938 teaches that reels of material (24) having a maximum reel diameter ( $d_{24}$ ) can be stored in all of the storage spaces (proximate 31, 32, 33, 34, etc.) one in front of the other in a direction of web travel (direction of web travel of Lehrieder '938 in view of Schaede).

27. Claims 92, 122, and 147 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lehrieder (Patent No. 6,138,938), in view of Schaede (Pub. No. 2003/0164102) in view of Allemann (Pub. No. 2004/0091340).



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28. Consider claims 92 and 147. Lehrieder '938 in view of Schaede teaches the transport route is located before, in the direction of web travel, the reel changer; but does not explicitly teach three storage spaces arranged on first and second sides of the transport route. Allemann teaches a transport route (proximate 24) with three storage spaces (11) arranged on first and second sides (3 and 4) of the transport route. It would have been obvious to a person having ordinary skill in the art to modify the storage spaces of Lehrieder '938 in view of Schaede with Allemann's storage spaces on two sides of the transport route in order to increase the number of storage spaces that lie directly adjacent to the transport route.

29. Consider claim 122. Lehrieder '938 in view of Schaede does not explicitly teach a machine control center. Allemann teaches a web-processing machine control center (CPU, see paragraph 0027). It would have been obvious to a person having ordinary skill in the art to modify the device of Lehrieder '938 in view of Schaede with Allemann's machine control center in order to provide automatic control of the device. It would have been obvious to a person having ordinary skill in the art to locate the machine control center of Lehrieder '938 in view of Schaede in view of Allemann adjacent to the storage area in order to minimize the length of wire or wireless transmission required.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan D. Snelting whose telephone number is 571-270-7015. The examiner can normally be reached on Monday to Friday 8:00 to 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on 571-272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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